

2013 DRAFTING REQUEST

Bill

Received: **4/2/2013** Received By: **smiller**
 Wanted: **As time permits** Same as LRB:
 For: **André Jacque (608) 266-9870** By/Representing: **jamie julian**
 May Contact: Drafter: **smiller**
 Subject: **State Govt - miscellaneous** Addl. Drafters:
Local Gov't - misc Extra Copies:

Submit via email: **YES**
 Requester's email: **Rep.Jacque@legis.wisconsin.gov**
 Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Official state language; use of English for governmental written expression; acquiring English proficiency; use of languages for governmental purposes

Instructions:

No specific instructions given

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	smiller 4/2/2013	scalvin 4/4/2013	phenry 4/4/2013	_____			
/1				_____	sbasford 4/4/2013	lparisi 7/22/2013	

FE Sent For:

*Not
needed*

<END>

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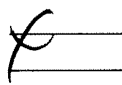
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/?	smiller	/1 sac 04/04/2013	4/4 ph				

FE Sent For:

<END>

Miller, Steve

From: Julian, Jamie
Sent: Monday, April 01, 2013 9:41 AM
To: Miller, Steve
Subject: Bill Draft Request: English as Official Language
Attachments: State Model Bill Long.pdf

2041

Good Morning:

Rep. Jacque would like a bill drafted based on the attached language.

Thank you,

Jamie Julian

Office of Rep. André Jacque
2nd Assembly District

Room 123 West
State Capitol
P.O. Box 8952
Madison, WI 53709

(608) 266-9870

STATE OF [state name]

BE IT ENACTED BY THE PEOPLE OF THE STATE OF [state name]:

SECTION 1. A new section of law to be codified in the [state name] Statutes as Section [--] of Title [--], reads as follows:

This act shall be known and may be cited as “The [state name] English Language Empowerment Act”.

SECTION 2. A new section of law to be codified in the [state name] Statutes as Section [--] of Title [--], reads as follows:

The Legislature of the State of [state name] finds and declares the following:

1. The State of [state name] is comprised of individuals from many ethnic, cultural, and linguistic backgrounds, and continues to benefit from this rich diversity; and
2. Throughout the history of [state name] and the United States, the common thread binding individuals of differing backgrounds has been the English language. Command of the English language is necessary to participate in and take full advantage of the opportunities afforded by American life. Absent a rudimentary command of the English language, citizens of this state are unable to make their voices heard in the legislative process, effectively exercise their right to vote, or fully understand the rights afforded them by the United States and [state name] Constitutions. Such citizens also have a more difficult time finding gainful employment, affordable housing, health insurance, and otherwise availing themselves of the full benefits of American life for themselves and their families.

SECTION 3. A new section of law to be codified in the [state name] Statutes as Section [--] of Title [--], reads as follows:

- A. The English language is the official language of the State of [state name].
- B. All official business of this state will be conducted in English. All official documents, regulations, orders, and publications shall be printed in English and all official programs, meetings, transactions, and actions conducted by or on behalf of this state and all its political subdivisions shall be in English.
- C. Other languages may be used by government officials, and in official documents, whenever necessary to:
 1. Protect the health, safety, or liberty of any citizen;
 2. Teach or study other languages;
 3. Protect the rights of criminal defendants or the victims of crime;
 4. Promote trade, tourism, or commerce;

5. Facilitate activities pertaining to the compilation of any census;
6. Comply with the federal Individuals with Disabilities Education Act;
7. Use proper names, terms of art, or phrases from languages other than English;
or
8. Comply with the Constitution and laws of the United States of America, or the Constitution of the State of [state name].

Except in exigent circumstances, when an official government document is translated into any language other than English under this section, an English translation will also be provided in the same document, appearing in such a manner as to afford the reader the opportunity to observe the English translation of all phrases used.

D. Nothing in this section shall be construed to:

1. Diminish the usage of, prevent the study or development of, or discourage the use of, any Native American language in any context or for any purpose;
2. Prohibit any elected official from speaking to any person in a language other than English while campaigning or providing constituent services, although such officials are encouraged to use English as much as possible to promote fluency in English;
3. Disparage any language or discourage any person from learning or using any language; or
4. Prohibit informal and nonbinding translations or communications among or between representatives of government and other persons if this activity does not affect or impair supervision, management, conduct or execution of official actions and if the representatives of government make clear that these translations or communications are unofficial and are not binding on the state or any political subdivision of the state; or
5. Prohibit individuals from utilizing translation methods of their own provision to communicate with an official government agent or entity.

E. As used in this section, "official" means any government action or document that binds the government, is required by law, or is authorized by law.

SECTION 4. This act shall become effective [month day], 200_.



in 4-2
State of Wisconsin
2011 - 2012 LEGISLATURE



2041/1
LNB-226372

ITK:kjf:ph

SRM:sac:

2013
~~2011~~ BILL

gen act

- 1 AN ACT *to create* 1.101, 1.103 and 1.104 of the statutes; **relating to:** an official
2 state language, use of English for governmental written expression, acquiring
3 language proficiency, and use of languages for nongovernmental purposes.

Analysis by the Legislative Reference Bureau

This bill provides that the official language of this state is English. Currently, this state has no official language.

The bill also provides that, unless otherwise specifically required by law, all written expression by all units of state and local government in this state shall be in the English language, except that such expression may be in another language when appropriate to the circumstances of an individual case, the implementation of a program in a specific instance, or the discharge of a responsibility in a particular situation. The bill also permits governmental officers and employees to use a language other than English in oral or written expression whenever necessary for one or more of eight specified purposes.

In addition, the bill precludes any unit of state or local government in this state from prohibiting any person from becoming proficient in any language or restricting the oral or written use of any language for a nongovernmental purpose. Currently, such action is prohibited under the federal and state constitutions, except that a

BILL

governmental employer may regulate the conduct of employees while the employees are engaged in official responsibilities.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 1.101[/] of the statutes is created to read:

2 **1.101 Official state language.** The official language of this state is English.

3 SECTION 2. 1.103[/] of the statutes is created to read:

4 **1.103 Use of English for governmental written expression. (1)** Unless
5 otherwise specifically authorized or required by law and except as authorized in sub.
6 (2), all written expression by all units of state and local government in this state shall
7 be in the English language, except that such expression may be in another language
8 when appropriate to the circumstances of an individual case, the implementation of
9 a program in a specific instance, or the discharge of a responsibility in a particular
10 situation.

11 **(2)** Governmental officers and employees may use a language other than
12 English in oral or written communication whenever necessary for any of the
13 following purposes:

14 (a) To protect the health, safety, or liberty of any citizen.

15 (b) To teach or study another language.

16 (c) To protect the rights of a criminal defendant or victim of a crime.

17 (d) To promote trade, tourism, or commerce.

18 (e) To facilitate activities relating to the compilation of any census.

19 (f) To comply with the federal Individuals with Disabilities Education Act (20
20 USC 1400 et seq.).

BILL

1 (g) To use a proper name, term of art, or phrase from a language other than
2 English.

3 (h) To comply with the constitution and laws of the United States or the
4 constitution of this state.

5 **SECTION 3.** 1.104 of the statutes is created to read:

6 **1.104 Use of other languages.** No unit of state or local government in this
7 state may prohibit any person from becoming proficient in any language or restrict
8 the oral or written use of any language for a nongovernmental purpose.

9 (END)

Parisi, Lori

From: Julian, Jamie
Sent: Monday, July 22, 2013 2:50 PM
To: LRB.Legal
Subject: Draft Review: LRB -2041/1 Topic: Official state language; use of English for governmental written expression; acquiring English proficiency; use of languages for governmental purposes

Please Jacket LRB -2041/1 for the ASSEMBLY.